

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

MICHAEL DONALD OWSLEY,	)	
Register No. 122118,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-4132-CV-C-NKL
	)	
JILL McGUIRE, Superintendent of	)	
Tipton Correctional Center, et al.,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

Plaintiff, an inmate confined in a Missouri penal institution, brought this case under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and its corresponding jurisdictional statute, 28 U.S.C. § 1343. This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

On November 18, 2005, plaintiff filed a motion for default judgment against defendant Dr. Henry Taylor. Defendant Taylor was served with process on September 7, 2005. (Doc. 41, Attachment 1.) Defendant has not filed an answer to plaintiff's complaint.

A default judgment may be entered "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." Fed. R. Civ. P. 55. Defendant Taylor has failed to answer plaintiff's complaint or respond to the motion for default judgment.

IT IS, THEREFORE, RECOMMENDED that default judgment be entered in favor of plaintiff and against defendant Dr. Henry Taylor [41].

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal. *See* L.R. 74.1.

Dated this 2<sup>nd</sup> day of February, 2006, at Jefferson City, Missouri.

/s/

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WILLIAM A. KNOX  
United States Magistrate Judge